

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|---------------------------|---|------------------------|
| NORTH FORK OPERATING, LP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-23-1187-D |
| |) | |
| MEWBOURNE OIL COMPANY, |) | |
| |) | |
| Defendant. |) | |

ORDER

Upon examination of Defendant Mewbourne Oil Company’s Notice of Removal [Doc. No. 1], the Court finds that it is insufficient to support Defendant’s assertion of diversity jurisdiction under 28 U.S.C. § 1332.¹

Defendant provides facts to establish that it is a corporation with citizenship in Texas and Delaware under 28 U.S.C. § 1332(c)(1). However, Defendant fails to provide adequate information regarding the citizenship of Plaintiff, which is a limited partnership. The citizenship of a limited partnership is the citizenship of all partners, including both general partners and limited partners. *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195-96 (1990); *see Grynberg v. Kinder Morgan Energy Partners, L.P.*, 805 F.3d 901, 906-07 (10th Cir. 2015) (applying *Carden* to unitholders of a master limited partnership). Defendant


¹ Federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006); *accord Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *Gad v. Kan. State Univ.*, 787 F.3d 1032, 1035 (10th Cir. 2015).

does not identify all Plaintiff's partners or provide the necessary information to establish their citizenship.

Defendant states that a search of public records shows "Plaintiff has at least two members" and one partner is the David W. Bolton Living Trust, for which the trustees are residents of Florida. *See* Notice of Removal ¶ 5 (citing Pet. ¶ 2). Defendant states that public records show Plaintiff's general partner is North Fork Resources, an Oklahoma LLC. *Id.* An LLC shares the citizenship of all its constituent members. *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015).² Defendant does not allege sufficient facts to establish that Plaintiff's general partner and all limited partners are citizens of states other than Texas and Delaware and, therefore, that complete diversity of citizenship exists.

IT IS THEREFORE ORDERED that Defendant Mewbourne Oil Company is directed to file an amended notice of removal, or show cause why this case should not be remanded, within 14 days of this Order.

IT IS SO ORDERED this 29th day of December, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

² "And where an LLC has, as one of its members, another LLC, the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be to determine the citizenship of the LLC." *Gerson v. Logan River Academy*, 20 F.4th 1263, 1269 n.2 (10th Cir. 2021) (quoting *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010)).